

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE AUGUST 24, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1778

Introduced by Assembly Members Lieber and Hancock
(Coauthors: Assembly Members Berg, Chan, Dymally, Evans,
Goldberg, Jerome Horton, Jones, Laird, Leno, Nation, and
Pavley)

January 4, 2006

An act to amend Section 49073.5 of the Education Code, relating to pupil records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1778, as amended, Lieber. Pupil records: release of information: military recruiters.

Existing law allows the governing board of a school district to require the parent or guardian of a pupil to provide current emergency information, as specified, to the pupil's school of attendance. Existing law states the intent of the Legislature that a school district, in adopting a policy governing the release of pupil directory information, as specified, not purposefully exclude any military service representative from access to that information. Existing law further states the intent of the Legislature, in the interest of pupil confidentiality, that school districts minimize the release of pupil telephone numbers in the absence of express parental consent.

This bill would require a school district, that requires the parent or legal guardian of a secondary school pupil to provide current emergency information to the pupil's school of attendance, to include a notice in the emergency information request form that informs the parent or legal guardian, and pupil of his or her right under federal law to request that the pupil's name, address, and telephone number not be released to military recruiters or institutions of higher education, as specified, without the prior written consent of the parent or legal guardian, and that allows the parent, legal guardian, or pupil the ability to indicate on the emergency information request form that he or she chooses to *separately* prohibit the release of ~~directory information~~ *the pupil's name, address, and telephone number listing*, as specified. The bill would provide that a request by a pupil would prevail over the request of a parent or legal guardian. The bill would require a school district to provide the notice in English and all other languages that the school district uses for its emergency information request form. ~~The bill would prohibit a school district from refusing to release information to an entity not specifically named in a request.~~ The bill would define the term "pupil" for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Student and Family Privacy Protection Act of 2006.
3 SEC. 2. Section 49073.5 of the Education Code is amended to
4 read:
5 49073.5. (a) It is the intent of the Legislature that a school
6 district, in adopting a policy pursuant to Section 49073 governing
7 the release of pupil directory information, not purposefully
8 exclude any military recruiter from access to that information. It
9 is further the intent of the Legislature, in the interest of pupil
10 confidentiality, that school districts minimize the release of pupil
11 telephone numbers in the absence of express parental consent.
12 The Legislature finds and declares that the nondisclosure of pupil
13 telephone numbers will reduce the possibility of harassment of
14 pupils and their families by organizations that receive pupil
15 directory information.

1 (b) A school district that requires, pursuant to Section 49408,
2 the parent or guardian of a secondary school pupil to provide
3 current emergency information to the pupil's school of
4 attendance shall include a notice in the emergency information
5 request form that does all of the following:

6 (1) Informs the parent or legal guardian, and pupil of (A) his
7 or her right under Section 503(c)(1)(B) of Title 10 of the United
8 State Code to request that the pupil's name, address, and
9 telephone number listing not be released to military recruiters,
10 and (B) his or her right under Section 7908(a)(2) of Title 20 of
11 the United States Code to request that the pupil's name, address,
12 and telephone number listing not be released to military
13 recruiters or institutions of higher education, without the prior
14 written consent of the parent or legal guardian.

15 (2) Offers the parent, legal guardian, or pupil the ability to
16 indicate on the request form that he or she chooses to ~~prohibit the~~
17 ~~release of directory information to one or more of the~~ *separately*
18 *prohibit the release of the pupil's name, address, and telephone*
19 *number listing to each of the* following:

20 (A) Military recruiters.

21 (B) Institutions of higher education.

22 (C) Prospective employers.

23 (3) The request of a pupil made pursuant to paragraph (1) shall
24 prevail over the request of a parent or legal guardian.

25 (c) The notice required by subdivision (b) shall be provided in
26 English and all other languages a school district uses when
27 making a request for emergency information pursuant to Section
28 49408.

29 ~~(d) A school district shall not refuse to release directory~~
30 ~~information to an entity not specifically named in the request.~~

31 ~~(e)~~

32 (d) For purposes of this section, "pupil" includes an individual
33 who is under 18 years of age.